

### **REMARKS**

The paper is in response to the Final Office Action mailed August 6, 2012 (“the Office Action”). No claims are amended herein. Claim 1 was cancelled in a previous paper. Claims 2-18 remain pending. Applicants respectfully request reconsideration of the application in view of the following remarks. For Examiner’s convenience and reference, Applicants present remarks in the order that the Office Action raises the corresponding issues.

Unless otherwise explicitly stated, the term “Applicants” is used herein generically and may refer to a single inventor, a set of inventors, an appropriate assignee, or any other entity or person with authority to prosecute this application.

#### **Reissue Claim Markup**

Applicants note that although claims in a standard application do not require markup for “Previously Presented” claims, “Previously Presented” claims in a reissue application are required to be marked up to show all changes made to the claims during prosecution relative to the patent to be reissued. See 37 C.F.R. §§ 1.121 and 1.173 and MPEP § 1453. Markup requirements in a reissue application also differ from markup requirements in a standard application in that text to be deleted in a reissue application must be enclosed in single brackets (i.e. “[ ]”) instead of being stricken through or enclosed in double-brackets (i.e. “[[ ]]”). See 37 C.F.R. § 1.173(d). Therefore, Applicants respectfully submit that the reissue claim markup herein is correct and required by 37 C.F.R. §§ 1.121 and 1.173 and MPEP § 1453.

#### **Rejections under 35 U.S.C. § 251**

The Office Action rejects claims 2-18 under 35 U.S.C. § 251 as being based upon a defective reissue declaration. The Office Action requires a supplemental reissue declaration to overcome this rejection.

Although the Office Action notes that a supplemental reissue declaration for a broadening reissue application must be signed by all of the inventors, Applicants note that the present reissue application is not a broadening reissue application because every limitation in the single independent claim 1 of U.S. Patent No. 6,014,476 is still required in each of the presently

pending independent claims 7, 12, and 15. Therefore, the use of form PTO/SB/52 that includes only the signature of the Assignee, instead of the signatures of all of the inventors, is appropriate in this reissue application.

Applicants have included herewith a supplemental reissue declaration on form PTO/SB/52. Applicants therefore respectfully submit that the rejections of claims 2-18 under 35 U.S.C. § 251 have been overcome and should be withdrawn.

### **Charge Authorization**

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 50-5394: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefor and charge any additional fees that may be required to Deposit Account No. 50-5394.

### **CONCLUSION**

In view of the foregoing, Applicants submit that the pending claims are allowable. In the event that Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview or overcome by an Examiner's Amendment, Examiner is requested to contact the undersigned attorney.

Dated this 27th day of September, 2012.

Respectfully submitted,

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